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Security Council

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Identical letters dated 5 November 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 4 November 2000 from Mr. Tariq Aziz, Deputy Prime Minister and Acting Minister for Foreign Affairs of Iraq. The Minister calls attention to the ongoing wanton aggression against Iraq by United States and British aircraft in the unlawful no-flight zones and to the fact that in the period from 24 to 31 October 2000 they carried out 428 sorties, 262 of them from Saudi Arabia, 84 from Kuwait and 82 from Turkey.

The Minister reaffirms the Government of Iraq's condemnation of these acts of aggression against Iraqi territory, and he states that international responsibility for them must be borne by the United States of America, the United Kingdom and the countries that provide logistic support for this aggression, namely Saudi Arabia, Kuwait and Turkey. He urges you to perform the duties assigned to you under the Charter by halting this unwarranted aggression and ensuring that it does not recur.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

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Annex to the identical letters dated 5 November 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

I should like to inform you that United States and British warplanes based in Saudi Arabia, Kuwait and Turkey have continued to violate the airspace of the Republic of Iraq. They carried out 428 sorties in the period from 24 to 31 October 2000, 262 of them from Saudi Arabia, 84 from Kuwait and 82 from Turkey, as shown hereunder.

1. In the northern region 82 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 6,000 to 12,000 metres, as follows:

(a) At 1115 hours on 24 October 2000, United States and British F-15, F-16 and Tornado aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 22 missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Dohuk, Amadiyah, Aqrah, Mosul, Baibo, Tall Afar, Ayn Zalah and Zakho areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1320 hours, drove them off.

(b) At 1250 hours on 25 October 2000, United States and British F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 18 missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Dohuk, Amadiyah, Ayn Zalah, Aqrah and Irbil areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1415 hours, drove them off.

(c) At 1305 hours on 30 October 2000, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 22 missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Dohuk, Amadiyah, Irbil, Tall Afar, Aqrah and Zakho areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1515 hours, drove them off.

(d) At 1135 hours on 31 October 2000, United States and British F-15, F-16, Tornado and EA-6B aircraft coming from Turkish territory penetrated Iraq's airspace in the northern region. They carried out 20 missions from Turkish territory, were supported by an AWACS aircraft operating inside Turkish airspace and overflew the Dohuk, Amadiyah, Aqrah and Irbil areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1435 hours, drove them off.

2. In the southern region 346 sorties were flown at speeds of 720 to 780 kilometres per hour and at altitudes of 9,000 to 13,000 metres, as follows:

(a) At 0800 hours on 24 October 2000, United States and British F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 42 missions, 24 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and eight from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace.

They overflew the Basrah, Jalibah, Nasiriyah, Samawah, Shinafiyah, Lasaf, Ashbajah, Taqtaqanah, Diwaniyah, Qal`at Sukkar, Amarah, Qal`at Salih, Ukhaydir, Ar`ar, Abyad, Tabaqat, Rifa`i and Rutbah areas and the kilometre-160 area 40 kilometres south of the 33rd parallel. Our air defences, acting in self-defence, engaged the aircraft and, at 1010 hours, drove them off.

(b) At 0830 hours on 25 October 2000, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 54 missions, 36 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 18 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Nasiriyah, Samawah, Salman, Basrah, Amarah, Ar`ar, Walid and Jalibah areas and an area two kilometres south of Rutbah. Our air defences, acting in self-defence, engaged the aircraft and, at 1625 hours, drove them off.

(c) At 0930 hours on 26 October 2000, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 78 missions, 70 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and eight from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Amarah, Nasiriyah, Samawah, Ukhaydir, Taqtaqanah, Tab`at, Walid, Salman and Rifa`i areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1245 hours, drove them off.

(d) At 0950 hours on 27 October 2000, United States and British F-14, F-15, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 26 missions, 16 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 10 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Busayyah, Artawi, Nasiriyah, Shatrah, Afak, Samawah, Hashimiyah, Diwaniyah, Shinafiyah, Lasaf, Salman, Ukhaydir, Najaf, Nukhayb and Amghar areas and an area 10 kilometres south-west of Hayy. Our air defences, acting in self-defence, engaged the aircraft and, at 1910 hours, drove them off.

(e) At 0955 hours on 28 October 2000, United States and British F-14, F-15, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 46 missions, 34 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 12 from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Artawi, Salman, Rifa`i, Samawah, Nukhayb, Rahhaliyah, Shinafiyah, Najaf, Hayy and Nasiriyah areas and an area 45 kilometres south-east of Rutbah. Our air defences, acting in self-defence, engaged the aircraft and, at 1315 hours, drove them off.

(f) At 0855 hours on 29 October 2000, United States and British F-14, F-15, F-16, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 50 missions, 32 of them from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and 18 from Kuwaiti territory with the

support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Basrah, Nasiriyah, Samawah, Diwaniyah, Salman, Nukhayb, Shinafiyah and Amarah areas. Our air defences, acting in self-defence, engaged the aircraft and, at 1645 hours, drove them off.

(g) At 1225 hours on 30 October 2000, United States and British F-14, F-15, F-16, F-18, Tornado and EA-6B aircraft coming from Saudi and Kuwaiti territory penetrated Iraq's airspace in the southern region. They carried out 30 missions from Saudi territory with the support of an AWACS command and control aircraft operating inside Saudi airspace and four from Kuwaiti territory with the support of an E-2C command and control aircraft operating inside Kuwaiti airspace. They overflew the Samawah, Salman, Nasiriyah, Rahhaliyah, Razzazah, Diwaniyah, Najaf, Nukhayb, Qurnah, Jalibah, Lasaf and Ashbajah areas and an area 30 kilometres south of Rutbah. Our air defences, acting in self-defence, engaged the aircraft and, at 2015 hours, drove them off.

This aggression illustrates the bellicose attitude being maintained by the United States of America and the United Kingdom towards Iraq. Since 1992, it has become a fixed policy aimed at undermining the country's sovereignty, independence and territorial integrity and at the systematic and concerted destruction of Iraqi lives, infrastructure and civilian installations. It is a policy that has been affirmed in successive statements made by United States and British officials seeking to defend the measures being taken to enforce the no-flight zones.

The Government of Iraq categorically rejects the two so-called no-flight zones, which were imposed by unilateral decision of the United States of America and the United Kingdom and lack any legal basis. Iraq rejects all the consequences of this illegal decision and, in particular, the flimsy excuses and pretexts used by these countries in an attempt to justify their military aggression against our country.

The logistic support provided by Saudi Arabia, Kuwait and Turkey to the Americans and the British makes these countries key partners in the aggression being committed against Iraq, so that they must bear international responsibility for actions that are deleterious to the people of Iraq.

The Government of Iraq, condemning these acts of aggression against civilian targets and Iraqi civilian installations, urges you to perform your assigned duties with respect to the maintenance of international peace and security by intervening with the governments of the countries in question with a view to inducing them to halt, end and desist from any resumption of their constant and unwarranted aggression against an independent, sovereign State.

(*Signed*) Tariq **Aziz**
Deputy Prime Minister
Acting Minister for Foreign Affairs

United Nations S/2000/1070

Security Council

Distr.: General
7 November 2000

Original: English

Letter dated 6 November 2000 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

On behalf of the unified command established pursuant to Security Council resolution 84 (1950) of 7 July 1950, I have the honour to submit a report of the United Nations Command concerning the status of the Korean Armistice mechanism and the activities of the United Nations Command Military Armistice Commission (see annex). It updates the previous report, submitted to the Security Council on 10 September 1998 (S/1998/844).

I request that the present letter, together with its annex, be circulated as a document of the Security Council.

(*Signed*) Richard C. **Holbrooke**

00-73277 (E) 081100

Annex to the letter dated 6 November 2000 from the Permanent Representative of the United States of America to the United Nations addressed to the President of the Security Council

Report of the activities of the United Nations Command for 1998

I. United Nations Command and its mission

1. The United Nations Security Council, in its resolution 82 (1950) of 25 June 1950, determined that the armed attack upon the Republic of Korea by forces of the Democratic People's Republic of Korea constituted a breach of the peace and called for an immediate cessation of hostilities. It further called upon the authorities of the Democratic People's Republic of Korea to recall forthwith their armed forces to North Korea. The Council, in its resolution 83 (1950) of 27 June 1950, having noted that the authorities of the Democratic People's Republic of Korea had neither ceased hostilities nor recalled their armed forces north of the 38th parallel, recommended that the Members of the United Nations furnish such assistance to the Republic of Korea as would be necessary to repel the armed attack and restore international peace and security in the area. Articles 39 and 42 of the Charter of the United Nations authorize the Council to take such action as may be necessary to maintain or restore international peace and security, including the conduct of military operations through air, sea or land forces of the Member States. On the basis of this authority, the Council, in its resolution 84 (1950) of 7 July 1950, recommended that all United Nations Member States make military forces and other assistance available to a unified command, requested the United States to designate a commander for the unified command and directed the unified command to provide the Security Council with reports, as appropriate, on the course of action taken under the unified command.

2. While looking at events within the constraints of an annual period does impose some artificiality, the present report provides a synopsis of the events of 1998 and attempts to objectively convey the impact of those events upon the efforts of the United Nations Command in maintaining the Korean Armistice Agreement.[1]

3. The authority granted the United Nations Command by the Security Council also included the authority to negotiate a military armistice to end the fighting on a basis consistent with United Nations objectives and principles. The Commander-in-Chief, United Nations Command, signed the Korean Armistice Agreement on 27 July 1953 on behalf of all the forces of the 16 participating Member States of the United Nations and those of the Republic of Korea, which had also fought under the flag of the United Nations. This Agreement, a military agreement between the opposing military commanders without a fixed expiration date, was intended to stop the Korean conflict and ensure a complete cessation of hostilities. It created a 4-kilometre-wide demilitarized zone, which ran 151 miles across the entire width of the Korean peninsula separating the combatants. This zone was in turn further divided 2 kilometres in from each side by a military demarcation line. Either side was permitted access to its 2-kilometre portion of the zone, but was expressly prohibited from crossing the military demarcation line.

4. The Armistice Agreement was intended to make possible a final peaceful settlement and assumes that this end will, in good faith, be pursued. The General Assembly, in its resolution 811 (IX) of 11 December 1954, noted that paragraph 62 of the Armistice Agreement provided that it should remain in effect until expressly superseded either by mutually acceptable amendments and additions or by provision in an appropriate agreement for a peaceful settlement at a political level between both sides. It also reaffirmed that the objectives of the United Nations remained the achievement by peaceful means of a unified, independent, and democratic Korea and the full restoration of international peace and security in the area. Under paragraph 17 of the Agreement, the signatories to the Agreement and their successors in command are responsible for compliance with and enforcement of the terms and provisions of the Agreement.

5. Today, the United Nations Command continues to carry out its functions and fulfil its obligations under the mandate of the Armistice Agreement. It will continue in this mission until the parties directly concerned with the Korean conflict can achieve a durable peace through political dialogue. Ten of the original sixteen Member States of the United Nations that provided military forces to the United Nations Command during the Korean War are still represented in Korea today. They are Australia, Canada, Colombia, France, the Netherlands, New Zealand, the Philippines, Thailand, the United Kingdom of Great Britain and Northern Ireland and the United States of America.

II. Armistice mechanism and procedures

6. The Armistice Agreement is the only legal regime for maintaining the ceasefire between the opposing military forces in Korea, and it affects the actions of both sides in the conflict. It is imperative that it be preserved until a more durable peace is achieved. The provisions of the Agreement are military in character and pertain solely to the belligerents in Korea. The Commander-in-Chief of the United Nations Command signed the Agreement on behalf of all military forces under the United Nations Command, while the Supreme Commander, Korean People's Army (KPA), and the Commander, Chinese People's Volunteers (CPV), signed the agreement on behalf of the opposing communist forces. It is the responsibility of the opposing military commanders to enforce the ceasefire by all forces in Korea and to establish measures and procedures to ensure compliance. In this connection, the opposing military commanders must maintain effective communication to preclude possible incidents and to de-escalate situations resulting from incidents.

A. Military Armistice Commission

7. The Armistice Agreement established the Military Armistice Commission (MAC) to supervise the implementation of this Agreement and to settle through negotiations any violations of the Agreement. The Commission was created as a joint organization without a chairman, composed of 10 military members: five senior officers from the United Nations Command and five senior officers from KPA/CPV. In accordance with paragraph 20 of the Agreement, the Commander-in-Chief of the United Nations Command appoints five senior officers, historically drawn from the Republic of Korea, the United States, the United Kingdom and other Member States still represented in the Command. At the request of either side, MAC meetings are held in the joint security area, more commonly known as Panmunjom, in the Korean demilitarized zone. On 28 April 1994, however, the KPA MAC Secretary announced that KPA would cease participation in all MAC activities. Its rejection of MAC continued throughout 1998.

8. The Armistice Agreement permitted each side to appoint a Secretary, an Assistant Secretary, and other special assistants as required to perform functions in support of MAC. Under the Agreement, the United Nations Command and the KPA/CPV MAC Secretaries are authorized to conduct their own meetings as required, which normally serve as the basic channel of communication between the two sides. During 1998 KPA met only selectively and informally with the United Nations Command, and only when it met their needs. They routinely rejected meetings called by the Command on issues related to the Armistice Agreement.

9. The Joint Duty Office under the MAC Secretariat, located in the joint security area, maintains a 24-hour telephone link between the two sides. Until April 1994, the joint duty officers also met as required. On 28 April 1994, however, the KPA MAC Secretary delivered a message to the United Nations Command stating that KPA had decided to recall all remaining KPA MAC members and staff personnel and to cease participation in MAC activities, and that it would no longer recognize the United Nations Command MAC members as a counterpart. Further, KPA announced its intention to send a new team, appointed by its Supreme Commander, to contact the "U.S. military" to discuss pending military issues, including a new "durable peace-ensuring system" to replace MAC.

10. On 1 September 1994, the Foreign Ministry of China announced in Beijing that it had decided to recall its delegation to MAC at Panmunjom. This followed the example set earlier in 1994 by KPA when it withdrew its delegation. On 15 December 1994, the CPV delegation departed Pyongyang for Beijing.

11. The United Nations Command has continued to attempt to present credentials for personnel newly assigned to MAC. Since the announced withdrawal of

KPA from MAC in April 1994, however, it has refused to accept any credentials from the United Nations Command.

12. MAC is authorized by paragraph 27 of the Armistice Agreement to dispatch joint United Nations Command-KPA/CPV observer teams to investigate reported violations of the Agreement in the demilitarized zone. KPA has frustrated this important investigative function, refusing to participate in any investigations proposed by the United Nations Command. With a single exception, in October 1997, KPA has not participated in any joint investigations of serious incidents in the demilitarized zone since April 1967. The United Nations Command continues to dispatch its observer teams into its portion of the zone to ensure that its forces are in compliance with the Agreement, and it is prepared to conduct unilateral investigations of alleged armistice violations in the demilitarized zone. The liaison officers from the Member States still represented in the United Nations Command and officers from the Republic of Korea Advisory Group participate in these special investigative team activities in the demilitarized zone. In 1998, despite numerous reports from the Korean Central News Agency to the contrary, the demilitarized zone has remained relatively quiet. The United Nations Command dispatched its joint observer teams and special investigative teams to Command guard posts and observation posts within or along the demilitarized zone on 65 occasions in 1998 to ensure continued compliance with Armistice Agreement provisions pertaining to the zone. In addition, the United Nations Command dispatched seven separate special investigative teams to determine the facts associated with alleged Armistice violations.

13. There have been no formal plenary sessions of MAC since the 459th meeting on 13 February 1991. Nevertheless, the United Nations Command and KPA continued to meet in Panmunjom at the Secretary, staff officer and joint duty officer levels.

14. On 3 October 1995, the KPA representatives at Panmunjom refused to accept a United Nations Command message concerning the illegal crossing of the military demarcation line by two civilians without prior coordination. Since then, KPA has refused to acknowledge responsibility for messages containing any reference to a violation of the Armistice Agreement, citing the absence of a KPA organ to deal with Armistice issues.

15. On 4 April 1996, KPA announced that it would no longer accept responsibility for the maintenance and administration of the demilitarized zone and the military demarcation line. Following the announcement, the KPA guard force in the joint security area removed the distinctive insignia specified in the Armistice Agreement and the subsequent Agreement on the MAC Headquarters Area. KPA personnel and vehicles have continued to operate throughout the northern sector of the demilitarized zone without displaying the appropriate distinctive insignia required by the Armistice Agreement.

16. There were five key personnel changes in the United Nations Command MAC in 1998. In April, Brigadier General Keum Ki Youn, Republic of Korea Air Force, replaced Brigadier General Ahn Byong Gul, Republic of Korea Air Force, as the Republic of Korea member. In October, Brigadier General John Baker, British Army, replaced Brigadier General Colin Parr, British Army, as the United Kingdom member. In May, Special Colonel Sinchai Samanthap, Royal Thailand Army, replaced Colonel Angel G. Atutubo, Philippine Army, as the rotating member. In November, Captain John Moore, Royal Australian Navy, replaced Special Colonel Sinchai. In July, Colonel Donald Kropp, United States Army, replaced Colonel Thomas R. Riley, United States Army, as the United Nations Command MAC Secretary.

B. Senior United Nations Command member of the Military Armistice Commission

17. In accordance with paragraph 20 of the Armistice Agreement, the Commander-in-Chief of the United Nations Command appointed Major General Ha Jae Pyung, Republic of Korea Army, as the United Nations Command Senior Member (spokesman) of the Military Armistice Commission, in November 1998. Since 1992, KPA has repeatedly refused to meet with the senior member, stating: "the South Korean Army is neither a signatory to the Armistice Agreement nor a member of the United Nations Command, and cannot represent the whole armed forces now in South Korea".

18. This North Korean argument is flawed. The Commander-in-Chief of the United Nations Command signed the Armistice Agreement as Commander of all United Nations Command forces, including 16 United

Nations Member States and the Republic of Korea. Neither individual nations nor their military forces are signatories to the Agreement. During negotiations and after the signing of the Agreement, KPA/CPV specifically requested assurances from the Republic of Korea that it would abide by the terms of the Agreement, saying that the ceasefire would not work unless the Republic of Korea abided by it. The United Nations Command relayed such assurances to KPA/CPV.

19. Today, the Republic of Korea provides "police" throughout the entire United Nations Command (southern) portion of the demilitarized zone to maintain the Armistice. In addition, Republic of Korea senior military officers have regularly served as MAC members for the past 46 years. The Armistice Agreement does not address MAC membership by either nationality or United Nations affiliation, nor does it give guidelines for designating a senior member. Each side's commander has discretionary authority to appoint members, and those appointments are not subject to approval by the other side. Further, the appointment of a Republic of Korea general officer as the United Nations Command senior member of MAC does not transfer the Commander-in-Chief's Armistice maintenance responsibilities to either the Government of the Republic of Korea or its armed forces. In addition, as the United Nations Command signatory to the Armistice Agreement, the Commander-in-Chief is ultimately responsible for ensuring that all United Nations Command forces comply with its provisions.

20. Article 5 of the Agreement on Reconciliation, Non-aggression and Exchanges and Cooperation between the South and the North (S/23351, annex), effective 19 February 1992, stipulates: "The two sides shall endeavour together to transform the present state of armistice into a solid state of peace between the South and North and shall abide by the present Military Armistice Agreement (27 July 1953) until such a state of peace has been realized." Thus, the Armistice Agreement between the military commanders remains the only legal mechanism to ensure the ceasefire until it is replaced by a more durable peace between the Republic of Korea and the Democratic People's Republic of Korea. The KPA Supreme Commander is legally obligated to respect the terms of the agreement signed in 1953, recognize the United Nations Command senior member, send representatives to plenary MAC meetings to discuss Armistice-related issues and help to promote peace and stability on the Korean peninsula. The joint United Nations Command-KPA/CPV MAC remains an integral part of the Korean Armistice Agreement, despite KPA statements to the contrary.

C. Neutral Nations Supervisory Commission

21. The Neutral Nations Supervisory Commission was established in accordance with paragraphs 36 and 37 of the Armistice Agreement, and was originally composed of four senior officers from "neutral nations", two nominated by the United Nations Command and two by KPA/CPV. The Commander-in-Chief of the United Nations Command nominated Sweden and Switzerland, and the Supreme Commander, KPA, and the Commander, CPV, nominated Poland and Czechoslovakia. The Armistice Agreement defines "neutral nations" as countries whose combatant forces did not participate in the Korean conflict. The Commission's primary function is to conduct independent inspections and investigations of Armistice violations outside the demilitarized zone and to report its findings to MAC.

22. KPA/CPV reluctantly agreed to an inspection system proposed by the United Nations Command. They have, however, undermined the Commission's function since the signing of the Armistice Agreement by shipping into North Korea reinforcing modern weapons and equipment, completely bypassing the designated ports of entry, in violation of paragraph 13 (d) of the Agreement.

23. Since March 1991, KPA has stopped providing required reports to MAC and the Commission in accordance with paragraphs 13 (c) and (d) of the Agreement, which prohibit the introduction into Korea of reinforcing arms and military personnel.

24. On 10 April 1993, following the January 1993 split of Czechoslovakia into two separate States, the Democratic People's Republic of Korea forced the Czech delegation to the Neutral Nations Supervisory Commission to withdraw from the north. Further, KPA started pressuring the Polish delegation to withdraw, cut off protocol contacts and began harassing them to make their life difficult.

25. In November 1994, the Democratic People's Republic of Korea officially informed the Ministry of Foreign Affairs of Poland that it was terminating its membership in the Commission. Despite formal protests from the Commission unanimously declaring the measures announced by KPA a blatant violation of the Armistice Agreement, paragraphs 13 (g), (h) and (j), which would be viewed negatively in the eyes of the international community, the Polish delegation was forced to evacuate its camp at Panmunjom on 28 February 1995. On 3 May 1995, KPA closed the Commission buildings it controlled on Conference Row and suspended free movement across the military demarcation line into the northern part of the neutral joint security area of the remaining Commission members and United Nations Command MAC personnel. KPA has not nominated replacements and today maintains that the Commission no longer exists.

26. Throughout 1998, the Commission — now represented by only two neutral nations in residence: Sweden and Switzerland — held weekly meetings in the joint security area to review and evaluate reports provided by the United Nations Command regarding the number of arriving and departing military personnel. The Polish member returns to Panmunjom quarterly from Warsaw, meeting with the Swiss and Swedish members to demonstrate its continuing support to the Commission and to maintenance of the Armistice.

27. Although restrictions imposed by the Democratic People's Republic of Korea have severely curtailed the ability of the Commission to carry out its mission, the Commission remains an important part of the Armistice Agreement. KPA has been aggressive in its effort to disestablish the Commission and MAC in order to undermine the foundation of the Armistice. The international community, in order to preserve and maintain the existing Armistice, must continue to oppose these attempts by North Korea, which are contrary to the letter and spirit of the Agreement, until it is replaced by a more durable peace. The United Nations Command in 1993 called upon KPA to nominate a successor to Czechoslovakia and to restore support to the Polish member. It has not responded. Although the activities of the Commission have been curtailed over the years as a result of KPA actions, the presence of "neutral" representatives provides a stabilizing influence on the activities of the opposing sides. The United Nations Command believes, therefore, that the Commission should continue to be an integral part of the Korean Armistice and will keep the Security Council informed of further developments on this issue in future reports.

D. United Nations Command remains an issue

28. Paragraph 20 of the Understanding on the return of Korean War remains, agreed upon in 1954, stipulates that, in the event that either side discovers in its territory bodies of military personnel belonging to the other side after the termination of this understanding, the delivery and reception of such bodies shall be arranged through the Secretaries of both sides of the Military Armistice Commission. Since 1954, KPA has refused to accept any Armistice-related responsibility for returning remains and has consistently rejected any request of the United Nations Command for more information concerning those still missing from the war. However, in the late 1980s KPA began demonstrating a willingness to cooperate with United States government representatives in repatriating remains from the war.

29. KPA began unilaterally recovering and repatriating Korean War remains to the United Nations Command in 1990. Between 20 May 1990 and 13 September 1994, KPA returned a total of 208 sets of what it claimed were United Nations Command Korean War remains. The United Nations Command sent those remains to the United States Army Central Identification Laboratory in Hawaii for positive identification. Owing to the lack of complete documentation on excavation data and the commingling of remains, the identification process proved extremely difficult. Accordingly, on 7 October 1994, the United Nations Command asked KPA to suspend further unilateral recovery operations until they could reach an agreement on conducting joint recoveries in North Korea. Although the laboratory determined that all of the 208 sets of remains were human, it positively identified only seven. KPA also returned one additional set of unilaterally recovered remains, believed to be those of a British soldier, on 30 October 1995.

30. In 1996, KPA and the United States Government reached an agreement on the Korean War remains issue. The United States Government agreed to compensate KPA for costs associated with the recovery

of remains returned between 1990 and 1994. In turn, KPA agreed to allow a team from the Central Identification Laboratory in Hawaii to participate in two joint recovery operations in North Korea near the military demarcation line. The first joint remains recovery operation discovered one set of remains of a United States soldier, who was returned under United Nations Command honours in Panmunjom on 29 July 1996. The laboratory positively identified the soldier's remains in September 1996.

31. In 1997, during three separate joint recovery operations, United States and North Korean personnel discovered the remains of six United States soldiers killed during the Korean War. The Korean People's Army repatriated all the remains to the United Nations Command MAC through Panmunjom.

32. In 1998, United States and North Korean personnel conducted five separate joint recovery operations in the north. On 15 May, at the first scheduled repatriation, KPA did not attend, refusing to return the remains. At a subsequent Secretary-level meeting, KPA blamed the United Nations Command for there being no repatriation because of the Command's insincere attitude towards the general officer talks. The United Nations Command made concessions to KPA on the wording of the general officer procedures document, agreeing to remove all references to MAC and to have the senior officer (a United States Major General) be the United Nations Command head of delegation. Subsequently, KPA agreed to return the remains to the Command in Panmunjom. KPA complied with the United States-Democratic People's Republic of Korea agreement for the remaining 4 repatriations, and the remains of 22 United Nations Command soldiers killed during the Korean War were returned to the United Nations Command MAC through Panmunjom. The United Nations Command remains committed to receiving a full accounting of all those still unaccounted for from the war.

E. Armistice compliance

33. Throughout 1998, the United Nations Command deployed special investigative teams into the demilitarized zone to monitor Armistice compliance and investigate Armistice violation charges for the Commander-in-Chief of the United Nations Command inside or along the 151-mile southern boundary of the demilitarized zone. Seven of those missions were to investigate possible violations of the Armistice Agreement. In every instance where the United Nations Command component of MAC attempted to deliver reports of violations, KPA refused to accept them. There were charges of routine sightings of KPA soldiers carrying unauthorized weapons in the demilitarized zone and of KPA soldiers not wearing distinctive civil police markings. The quantity of these violations is so large as to skew the intent of the report. A chronology of the six major KPA incidents for 1998 follows:

(a) Early in the year, an incident occurred in the United States of America that had the potential for escalating into a far more dangerous situation. On the morning of 3 February, a KPA guard left his guard post in the joint security area feigning illness. He made his way unobserved through brush on the northern side of the joint security area and crossed the military demarcation line into the southern side. The KPA guard continued moving south utilizing terrain masking and finally surrendered to a United Nations Command guard at the joint security area entry checkpoint, whereupon he was transported to Camp Bonifas. During the investigation, the special investigative team videotaped an interview between the Swedish member of the Neutral Nations Supervisory Commission and the KPA soldier, who clearly stated his intention to defect to the south. It was nearly three hours before KPA discovered the disappearance of its guard, at which time it called the first in a series of Secretary-level meetings with the United Nations Command. Tensions were extremely high between the two sides in the joint security area, as initially KPA accused the United Nations Command of kidnapping their soldier. At one point, KPA even threatened to kidnap a United States soldier then claim he had defected. After reviewing the videotaped interview between the Swedish member of the Commission and the KPA soldier, KPA dropped its kidnapping accusations and focused in the meetings on how to get the soldier back and maintain damage control for themselves. Although the United Nations Command and KPA discussed a number of ideas on how to reduce tension in the joint security area because of the defection, no substantive actions were taken. The United Nations Command eventually turned the KPA soldier over to the Government of the Republic of Korea, and KPA dropped the issue;

(b) On 12 March a United Nations Command guard post observed a KPA patrol crossing the military demarcation line moving south-west, nearly 40 to 50 metres into the Republic of Korea. The United Nations Command guard broadcast seven separate warnings for the patrol to return north, but KPA ignored them. Command guards then fired warning shots near the patrol, which then proceeded to return north;

(c) On 11 June a United Nations Command guard post reported hearing a three-to-four round burst of automatic weapon fire, which was followed by a single round impacting the top of the observation tower. The angle and trajectory at which the projectile struck the tower placed it on a direct line of sight with a KPA guard post located 850 metres north-west of the United Nations Command guard post. There was no observed muzzle flash or other visible weapon signature, although visibility was clear at the time. Immediately following the firing, the United Nations Command guard broadcast four warnings to KPA. The incident could have been the result of an accidental discharge, but a very good possibility exists that it was intentional. Damage to the tower was minor and superficial, and there were no injuries to personnel because of the incident;

(d) One of the most significant incidents of 1998 occurred on 22 June, when an unmarked, armed, North Korean Yugo-class submarine was captured in the Republic of Korea territorial waters near the city of Sokcho, more than 26 nautical miles below the military demarcation line. The submarine was initially detected moving away from the Republic of Korea coast under its own power, showing no evidence of mechanical problems or being in any distress, when it sailed into a Republic of Korea civilian fishing net, which temporarily stopped its movement. Crew members reportedly attempted to cut the submarine free. After clearing much of the net, the submarine again proceeded under its own power for another two nautical miles, at which point Republic of Korea naval vessels blocked its path. At the time of the initial sighting, the location of the submarine was verified by a fisherman's global positioning system, and its position inside Republic of Korea territorial waters was later confirmed by military position-locating equipment. From the time of initial sighting until apprehension, the submarine never left the territorial waters of the Republic of Korea. Despite numerous efforts by the Navy of the Republic of Korea to communicate with the crew, the North Korean crewmen ignored them and would not emerge from the submarine. The Navy proceeded to tow the submarine to a South Korean naval base in order to investigate the circumstances surrounding its discovery in Republic of Korea territorial waters. On 24 June, as the Navy was towing the submarine, it sank in 30 metres of water. On 25 June, the Navy raised the Yugo and towed it to the Dong Hae naval base. The Navy had to cut open the submarine because the North Korean crew had locked it from the inside. The special investigation team of the United Nations Command was present throughout the recovery and opening of the submarine, and it determined that prior to those activities the nine crewmen on board had died at their own hand. After the bodies were removed, equipment and documents were found that were for the specific purpose of supporting infiltration, intelligence collection and special operations activities. A logbook discovered on board detailed the mission of the submarine. Equipment discovered on board included four Skorpion machine pistols, three AK-68 automatic rifles, two RPG-7s, plastic explosives, non-electric blasting caps, grenades, three complete sets of diving gear, a video camera, a tape recorder, a portable radio, civilian clothing packed in waterproof bags, charts of waters and inland maps of the Republic of Korea and bottles of South Korean manufacture. The submarine infiltration was the primary topic of discussion at three general officer meetings held in Panmunjom, during which the United Nations Command officially protested violation of the Armistice Agreement, paragraphs 12 and 15. KPA claimed that its submarine had had mechanical problems while on a training mission and had drifted south, and that, instead of rendering aid, the South Koreans had allowed the crew to die. The United Nations Command eventually repatriated the remains of the nine crew members to KPA through Panmunjom;

(e) On 12 July the body of a suspected North Korean infiltrator was discovered on the east coast of the Republic of Korea. All equipment recovered from the infiltrator was contained on or within the wetsuit, with the single exception of a swimmer delivery vehicle, recovered one kilometre to the south. None of the equipment recovered from the infiltrator, including the swimmer delivery vehicle, could be verified as being of North Korean make. The swimmer delivery vehicle is of unknown origin and appeared to be a self-manufactured model. The majority of the scuba

equipment, including an underwater transmitter/receiver, was of Japanese make. Also recovered was a Czech model-61 Skorpian machine pistol. It appeared that the infiltrator had been dead for less than 24 hours. There were no visible wounds and the cause of death could not be determined. The United Nations Command protested the infiltration at the third general officer meeting as an Armistice violation and offered to return the remains. KPA refused to accept the remains, claiming that the incident was a South Korean fabrication.

34. On 18 December a North Korean improved submersible infiltration landing craft (I-SILC) was detected in Republic of Korea territorial waters near Yosu Do island moving in a south-easterly direction. When the Republic of Korea Navy attempted to intercept the I-SILC, it responded by attempting to escape at high speed, firing RPG-7s and small arms at the pursuing vessels. Republic of Korea naval ships eventually returned fire, hitting the I-SILC and rendering it dead in the water. The North Korean crew continued firing at the Republic of Korea ships and were sunk after receiving additional fire. The Republic of Korea Navy recovered one body at the site. (Note: The Republic of Korea Navy eventually discovered the sunken I-SILC and was able to recover an additional body from it on 22 January 1999 using a submersible craft. On 17 March 1999, the Navy salvaged the vessel, recovering four additional North Korean bodies along with associated infiltration equipment.)

F. Repatriation ceremonies in Panmunjom

35. A number of repatriation ceremonies were conducted in Panmunjom throughout the year. The United Nations Command MAC Secretariat and the United Nations Command Honour Guard handled the repatriation of all military personnel:

(a) On 25 May KPA repatriated the remains of two United Nations Command soldiers killed during the Korean War to the United Nations Command in Panmunjom. A bilateral United States-KPA team conducting the first 1998 joint remains recovery operation in North Korea recovered the remains at a former Korean War battle site. KPA refused to return the remains on the scheduled date and agreed to do so only after the United Nations Command had made concessions in the wording of the general officer procedures document, which led to the first general officer meeting;

(b) On 3 July the United Nations Command repatriated to KPA in Panmunjom the remains of the nine North Korean crew members from the captured Yugo submarine;

(c) On 24 July KPA repatriated the remains of three United Nations Command soldiers killed during the Korean War to the Command in Panmunjom. Those remains were recovered during the second 1998 bilateral United States-KPA joint recovery operation in North Korea;

(d) On 13 August the United Nations Command repatriated to KPA in Panmunjom the remains of a drowned KPA soldier who had drifted into the south;

(e) On 4 September KPA repatriated the remains of three United Nations Command soldiers killed during the Korean War to the Command in Panmunjom. Those remains were recovered during the third 1998 bilateral United States-KPA joint recovery operation in North Korea;

(f) On 9 October KPA repatriated the remains of five United Nations Command soldiers killed during the Korean War to the Command in Panmunjom. Those remains were recovered during the fourth 1998 bilateral United States-KPA joint recovery operation in North Korea;

(g) On 6 November KPA repatriated the remains of nine United Nations Command soldiers killed during the Korean War to the Command in Panmunjom. Those remains were recovered during the fifth and final 1998 bilateral United States-KPA joint recovery operation in North Korea.

G. Re-establishment of general officer-level dialogue

36. Following the Commander-in-Chief's appointment of a Republic of Korea army general as the United Nations Command senior member of MAC in 1991, KPA refused to accept his credentials or meet with him. It boycotted a call by the Command for a MAC meeting in May 1992, claiming that the Republic of Korea's senior member was not qualified to represent the Commander-in-Chief of the United Nations Command since the Republic of Korea was not a member of the original Command and had not signed

the Armistice Agreement, and it has not met in MAC since. In April 1994 KPA recalled its MAC members and staff, calling for the establishment of a "new peace-ensuring mechanism" to replace MAC. The North Koreans subsequently established the KPA Panmunjom mission, using officers who had been part of the KPA MAC delegation.

37. In 1995 the United Nations Command MAC Secretariat and KPA began negotiations to re-establish a general officer channel of communication. KPA initiated this effort in order to establish a bilateral United States-KPA channel and to renegotiate the Armistice Agreement. The Commander-in-Chief of the United Nations Command wanted to restore a crisis management dialogue channel, but consistently maintained that it must be between the United Nations Command and KPA. By February 1997, KPA appeared to moderate its position on the bilateral nature of this channel, verbally agreeing to recognize the United Nations Command as its dialogue partner. It also accepted that general officer dialogue would be limited to Armistice issues, each side's delegates would have an equal voice and meetings would be held in the MAC conference room in the joint security area. In February 1998 the United Nations Command presented a formal general officer procedures document to KPA for its review and called for a general officer meeting. Following this several Secretary-level meetings were held in order to obtain a signed agreement. Although it initially appeared that KPA was prepared to accept the procedures document, talks eventually broke down over references in the document to MAC and over who would be head of the United Nations Command delegation. On 15 May KPA refused to return the remains of United Nations Command soldiers killed during the Korean War and recovered during the first joint United States-Democratic People's Republic of Korea remains recovery operations, linking it to the general officer negotiations. KPA cited United Nations Command unreasonableness on the wording of the general officer procedures document and the issue of who would be the head of the Command's delegation. Finally, after receiving support from the Government of the Republic of Korea, the United Nations Command made concessions to KPA, removing all references to MAC in the procedures document and identifying the United States MAC member as the head of the United Nations Command general officer delegation. Following this, the United Nations Command and KPA signed the document and a date was established for the first general officer meeting. The first general officer meeting between the United Nations Command and KPA was held on 23 June, the day after a North Korean Yugo-class submarine was discovered and captured in territorial waters of the Republic of Korea off the east coast. This infiltration and a subsequent attempt by a North Korean diver became the primary focus of the first three meetings. KPA, on the other hand, stated that the general officer meetings were not for discussing such issues, but rather were for establishing a new mechanism to replace MAC. At a subsequent general officer informal meeting, KPA presented a proposal for a United States-Republic of Korea-KPA joint military mechanism, which would be a replacement for MAC. KPA has stated that there was no United Nations Command and that the primary parties to the situation on the peninsula were KPA and the United States. It stated that the South Korean Army should participate in this organization since it had a large army, which was under the United States. This proposal was a clear attempt by KPA to undermine further the United Nations Command and the Armistice Agreement. The United Nations Command rejected this proposal, and KPA responded that it would no longer meet with the Command.

38. For over 46 years, MAC has served as the primary official channel of communication between the opposing military commanders in Korea. Despite the current impasse, the United Nations Command will continue to perform its unique role in the defence of the Republic of Korea and in maintaining the Armistice Agreement until an effective and enduring mechanism to ensure durable peace on the Korean peninsula is established.

III. Conclusions

39. The maintenance of timely and effective communication between the commanders of the opposing military forces is vital to preclude the escalation of incidents, thereby preventing the resumption of hostilities. All parties to the Korean Armistice Agreement (the United Nations Command, KPA and CPV) have played a role in this vital activity for more than 46 years. To continue this vital mission until a more durable peace is attained, both sides must fully cooperate to preserve the existing means of communication through the Armistice mechanism —

MAC, which is an integral part of the Armistice. The United Nations Command will continue its efforts to implement the Armistice Agreement and thereby contribute to a stable environment conducive to south-north dialogue to achieve the ultimate goal of a durable peace on the Korean peninsula.

Notes

[1] See *Official Records of the Security Council, Eighth Year, Supplement for July, August and September 1953*, document S/3079.

United Nations S/2000/1071

Security Council

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Letter dated 6 November 2000 from the Permanent Representative of Lebanon to the United Nations addressed to the Secretary-General

Further to my letter dated 2 November 2000 (document S/2000/1066 of 3 November 2000), and on instructions from my Government, I have the honour to inform you that on 6 November 2000 five Israeli helicopters were observed overflying the following areas: Aytit, Mazra'at al-Mushrif, Rishknaniyah, Qana, Qal'at Shaqif al-Naml (Tibnin), Jwayya, Kafr Dunin, Burj Qallawiyah and Tayyibah.

At 0026 hours, two Israeli helicopters were observed landing for a very brief period in the Qantarah area, well inside Lebanese territory.

These Israeli violations are a further violation of Security Council resolution 425 (1978) and of Lebanese sovereignty and amount to military action and a grave precedent likely to threaten security and peace in the region. Lebanon therefore calls upon the Secretary-General to take the necessary measures to bring an end to these ongoing provocative Israeli acts against Lebanon.

I should be grateful if you would have this letter circulated as a document of the Security Council.

(*Signed*) Selim **Tadmoury**
Ambassador
Permanent Representative

00-73114 (E) 061100 061100

United Nations S/2000/1072

Security Council

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Letter dated 6 November 2000 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

Peacekeeping operations are an essential tool for the Security Council when carrying out its primary responsibility under the Charter of the United Nations for the maintenance of international peace and security. The current discussions on the report of the Panel on United Nations Peace Operations (A/55/305-S/2000/809) and its recommendations testify to the importance the United Nations Member States accord to strengthening that tool.

As you are well aware, the Security Council is often faced with the need to take a decision with regard to the mandate of a particular operation, namely, whether to extend, modify or terminate it. There have been cases in which the Council decided to end a mission or to reduce significantly its military component, only to have those situations remain unstable, or worse, descend again into violence and chaos soon thereafter. This would seem to be in contradiction to the Council's mandate as contained in the Charter of the United Nations, which implies that it should facilitate the establishment of a self-sustaining peace, or at least a durable absence of violence.

In the light of these considerations, it is my honour to inform you that the Netherlands will organize an open debate of the Security Council on decision-making by the Council on mission closure and mission transition. It is our intention that Member States that are not members of the Council should be given the opportunity to make a contribution to the discussion if they so wish.

I am pleased to enclose a paper that elaborates on the theme mentioned above and that can be summed up in the phrase "no exit without strategy" (see annex). I hope you will find it useful in preparing for the debate.

I should be grateful if you would circulate the present letter and its annex as a document of the Security Council.

(*Signed*) Peter **van Walsum**
Ambassador
Permanent Representative

00-73283 (E) 071100

Annex to the letter dated 6 November 2000 from the Permanent Representative of the Netherlands to the United Nations addressed to the Secretary-General

I. Introduction

1. There are a number of cases in which the UN Security Council has withdrawn militarily from a situation, or otherwise drastically changed its involvement, only to have the situation remain instable, or worse, descend again into violence and chaos soon thereafter. Why has this happened? How did the Council determine that it could withdraw from, or reduce its involvement in, a situation which was not ripe for such a decision? Were Council members too much focused on exit strategies instead of pursuing a long-term solution to the conflict at hand?

2. Our aim is to initiate a debate on the way in which the Council decides to end or substantially change its involvement in situations as a first step towards improving the Council's decision-making process - getting it right rather than simply getting out. Consequently, the scope of this study is necessarily very narrow: the decision-making process within the Security Council *vis-à-vis* the creation, significant alteration and termination of operational mandates. An examination of this question should be seen as a natural complement to the reform debate encouraged by the Brahimi report, which touches upon this particular issue only lightly. To that end, the Netherlands has prepared this paper as a basis for discussion.

II. Theory: No Exit Without Strategy

A. Concepts & Definitions

3. Increasingly, the withdrawal or termination phase of a peacekeeping operation has been referred to as the mission's "exit strategy" by governments, the press and others. We believe, however, that this term is misleading because it does not link the end of the mission to the mission's objectives. What is required, rather, is an overall strategy: a long-term plan designed to lead to a self-sustaining peace in the conflict area. "Exit", then, would be based on the successful fulfillment of a mission mandate as signified by the achievement of a lasting peace, which, in turn, renders a continued mission presence unnecessary. This could often be the result of a transition from one type of peace operation to another, reflecting the changing nature and intensity of a conflict (e.g. from peacekeeping to post-conflict peacebuilding).

4. Such an approach would entail more careful consideration of the objectives to be pursued by the proposed mission, including in the long run, and the resources required to achieve them. This should be done in the early planning stages, i.e. before the mission is launched.

5. When such a strategy is not viable, however, an alternative strategy might be to provide a stabilizing presence in the conflict area. In such cases, however, the Security Council will have to acknowledge the long-term commitment involved. Conversely, there have been, and will continue to be cases where the Council should also ponder the opposite question by asking whether a prolonged presence will be beneficial to the peace efforts.

B. How does this relate to Security Council Mandates?

6. The above points strongly suggest that the Security Council must engage in debates and negotiations which are more realistic and frank regarding the true nature of the situation under consideration and what the desired outcome is.

7. If frank debate produces realistic objectives which should lead to a self-sustaining peace, then the Security Council must match sufficient resources with an appropriate mandate to achieve those objectives. This should include a strategy to achieve a self-sustaining peace based on good governance and the rule of law, i.e. on legitimate and broad-based institutions. As the Brahimi Panel writes: "History has taught that peacekeepers and peacebuilders are inseparable partners in complex operations: while the peacebuilders may not be able to function without the peacekeepers' support, the peacekeepers have no exit without the peacebuilders' work." (para 28). Therefore, any long-term plan for a peace operation must include a firm follow-up commitment on the part of the Council to the post-conflict peacebuilding process in the conflict area.

8. Just as important, the Council must remain engaged throughout all phases of the peace operation so that the transition from one phase to the next passes as smoothly as possible and so that the Council is able to enact timely alterations to the mission's mandate if events on the ground so dictate. Moreover, the Council must actively exercise all forms of leverage at its disposal to enhance its range of ways and means to assist the peace operation implement its mandate. This includes recognizing the role played by the economic activities of warring parties as either a root cause of the conflict or as a primary means to continue pursuing the military option. The diamond embargoes in the cases of Angola and Sierra Leone are encouraging steps in this area.

9. Finally, we recognize that the political context or circumstances surrounding many Council debates on possible mission termination involve issues which are highly sensitive, even painful for some Member States. Quite often in such cases, Members may be forced to face uncomfortable questions regarding their commitment, stamina or foresight *vis-à-vis* the situation at hand. For example, do Council Members abandon a situation through a lack of a sense of responsibility, exhaustion, fear of failure, or miserliness? Are Council decisions driven by far more parochial motives than we care to admit rather than our collective obligations as laid out in the Charter? Is there a double standard inherent in Council decisions regarding Africa as opposed to other regions of the world?

III. Case Studies

10. To illustrate the dangers of a myopic focus on the need for an "exit strategy" rather than a proper, honest debate on the objectives of a mission, this section of the non-paper will present three short case studies which track the situation of a country after the departure of a UN peacekeeping operation. The mission's mandate and the circumstances of its withdrawal could be compared with the country's history after that fact. By asking a series of simple questions to this end, (such as: What prompted Council action?; What was the core objective of the operation's mandate?; Was it

resourced accordingly?; What was the situation on the ground when the Council decided to qualitatively change/end the UN's involvement?; Was a self-sustaining peace achieved, for at least two years, when it was the stated goal?), we expect to make the case that the emphasis must be placed on the "strategy".

Case One: Mozambique

- In March 1992, a comprehensive agreement was signed between the rebel group RENAMO and the Government. Two and a half months later, then-Secretary-General Boutros Boutros-Ghali offered the services of the United Nations to help oversee the implementation of the agreements;

- Based on a report by the Secretary-General (S/24892, 3 December 1992, and S/24892/Add.1, 9 December 1992), the Security Council passed Resolution 797 (16 December 1992) which established ONUMOZ with a four-fold mandate;

- Four elements of mandate were: a) a political element to implement agreement through chairing the Supervisory and Monitoring Commission; b) a military component to monitor the cease-fire, the withdrawal of foreign forces, separation of forces, collection and destruction of weapons and the disbanding of irregular armed groups, etc; c) an electoral element to provide technical assistance and monitor the entire electoral process; and d) a humanitarian component to coordinate and monitor all humanitarian assistance operations;

- The necessary resources were supplied by Member States and the Security Council reacted to a snag in the negotiations by extending the operation's mandate to accommodate a new timetable for elections in its Resolution 863 of 13 September 1993;

- The mission was withdrawn after the conduct of free and fair elections in which Joaquim Chissano was elected President;

- RENAMO did not resort to armed conflict in the aftermath of the electoral defeat, and Mozambique has remained quiet and stable since the 1994 vote.

11. Mission success in this case may be attributed to many factors. For example, the peace process enjoyed deep and patient support from various elements of civil society. It also benefitted from the parties' own war fatigue. Mission success may thus have been linked to timing: The UN did not move in too early, i.e. when there was no peace to keep. In addition, there was generous resource and financial support on the part of the international community. The United Nations was not involved in the actual negotiations which led to the agreement; it was asked only to monitor and assist in its implementation. (However, in other cases negotiations without the UN may lead to agreements that ask too much of the UN, which could have been avoided if the UN had been involved.) The Security Council acted on the Secretary-General's reports and recommendations in a timely fashion. And, besides the minor problems encountered in 1993 during some late-stage

negotiations, the Security Council was not faced with any significant crises or challenges during the entire period of the UN's involvement. Some serious problems arose during the process but, in general, were able to be managed at the field level. The cease-fire held, by and large, and the parties honoured their commitments.

Case Two: Liberia

- After many years of civil war and a regional peacekeeping presence, the Security Council authorized an observer mission (30 military observers) to be dispatched to Liberia as UNOMIL, (SCR 856, 10 August 1993), to assist in the implementation of the Cotonou Accords. The other main external actor was ECOWAS, which maintained a force of up to 11,500 troops during its deployment;

- UNOMIL maintained its presence, with variations in personnel levels, through the failure of the Cotonou Accords and the subsequent Abuja I Accords in mid-1996;

- Despite these repeated set-backs, the Security Council continued to extend UNOMIL's mandate, but left it in a passive posture while calling for a long-standing arms embargo to be enforced;

- UNOMIL was withdrawn in the Autumn of 1997 after assisting in monitoring the elections called for in the Abuja II Accords.

12. While the vote was endorsed as free and fair, and Liberia became a much more peaceful country, relatively speaking, in the aftermath of the elections, the UN's involvement in Liberia cannot be judged a complete success. The security environment was less than stable throughout the period of UNOMIL's deployment despite the presence of an ECOMOG force which suffered at times from severe resource constraints and which was sometimes viewed as a party to the conflict. Many observers speculate that, due to the tenuous security situation, the majority of Liberian voters elected Charles Taylor out of fear that a loss at the polls would prompt him to take up arms again. Moreover, with Taylor in power, Liberia soon became a factor in the civil war in neigbouring Sierra Leone. Thus, while UNOMIL monitored elections that brought an immediate improvement in the overall security situation, the Council did not address the issue that sustainable institutions in Liberia had not necessarily been fostered, nor did it address the question of Liberia's regional role.

Case Three: Haiti

- The Security Council first took up the question of Haiti with Resolution 841, of 16 June 1993, which encouraged OAS efforts to restore the elected government to power and authorized the OAS-recommended fuel and arms embargo on Haiti;

- The situation continued to worsen throughout 1993, so the Council responded by creating

UNMIH (SCR 867, 23 September 1993), which envisaged, *inter alia*, civilian police monitors, a military construction unit, and military trainers, intended to professionalize the Haitian military and police and to diminish their capacity to disrupt the peace process. UNMIH, however, did not deploy until September 1994 due to the lack of progress on the political track and the security situation in Haiti;

- The Council authorized an American-led MNF (SCR 940, 31 July 1994) to remove the military junta from power. This led to the MNF's uncontested deployment to Haiti in September 1994 and the UNMIH advance team became operational on 18 October. MNF handed over to UNMIH on 31 March 1995; the latter's primary objective was to maintain a stable and secure environment, re-train national police and army units and assist the civilian mission (MICIVIH) to organize elections;

- After repeated renewals of UNMIH's mandate, following the Presidential election in 1996, the Council created UNSMIH (SCR 1063, 28 June 1996) as a replacement mission with a more narrow objective of training local police and supporting the work of the SRSG. Staff levels were reduced dramatically and much of the funding for many of the operation's activities was voluntary in nature. This trend of making the funding less reliable continued with the follow-on mission, UNTMIH (SCR 1123, 30 July 1997) where only 50 HQ staff were UN-funded;

- Security Council's involvement in Haiti ended when the UN Civilian Police Mission in Haiti (MIPONUH) handed-over to the General Assembly-mandated support force, MICAH, in early 2000.

13. Although the Council did respond to the chaotic situation in the aftermath of the MNF operation by increasing staff levels of UNMIH, this level of commitment was not lasting. In light of the never-ending political stalemate in Haiti and the persistent related violence, one is likely to view the UN's efforts in that country as a disappointment. While the initial objective of restoring the legitimate political authorities was met, this was brought about by the threat of a large MNF invasion. Contrary to this show of well-resourced force, subsequent UN missions to Haiti were not supported by reliable funding arrangements and were saddled with impractically short mandates. The fact that these had to be renegotiated every few months made it difficult to plan or operate on anything other than a hand-to-mouth basis. This signal to the parties hampered UNMIH's ability to gain the initiative or to maintain momentum. These weaknesses in the UN's approach to Haiti resulted from positions taken by key members of the Security Council. Moreover, the Haiti case was transferred to the General Assembly's agenda because some Council Members took the view that the situation in Haiti had become more a matter of development/domestic politics than a question of international peace and security, therefore warranting removal from the Council's agenda. This view of the situation has not helped advance the political dialogue in Haiti, because it has meant further reductions in the UN's presence and influence in Haiti while the instability persists. Finally, some key Council Members pursued objectives in their own perceived national interests at the expense of making firmer commitments to resolve the Haitian conflict.

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Letter dated 7 November 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 7 November 2000 from Mr. Tariq Aziz, Deputy Prime Minister and Acting Minister for Foreign Affairs of Iraq. The letter concerns the failure of the oil-for-food programme to mitigate the adverse impact of the unjust sanctions imposed on Iraq, the accumulation in the Iraq Account of funds derived from the sale of Iraqi oil and designated for contracts for humanitarian items, the mounting number of contracts that have been placed on hold by the United States and the United Kingdom, and the questions this situation raises concerning the usefulness of continuing to pump oil only to accumulate more funds in the programme.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

00-73330 (E) 081100 081100

Annex to the letter dated 7 November 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

In concluding the memorandum of understanding of 20 May 1996 between the Government of Iraq and the Secretariat of the United Nations (S/1996/356), the basic objective was that Iraq should export certain quantities of oil and use the resulting revenues for "the purchase of medicine, health supplies, foodstuffs, and materials and supplies for essential civilian needs of the Iraqi population throughout the country" (sect. V, para. 19). The memorandum of understanding, also known as the oil-for-food programme, having now been in effect for four years, we should like to place before you, before the members of the Security Council and before international public opinion the basic facts set forth below.

1. As of 2 November 2000, the accumulated funds held in a state of suspension and as good as blocked and idle at BNP Paribas totalled 11.372 billion dollars. As stated, these funds are idle and frozen, and the people of Iraq derives no benefit from them.

2. There are 1,328 contracts on hold for a total value of some 2.28 billion dollars.

3. There are 541 contracts worth some 1.24 billion dollars that have been submitted to the Secretariat but have yet to be circulated to the members of the Security Council Committee established by resolution 661 (1990).

The Americans and the British claim, of course, that the oil-for-food programme reduces the adverse impact of the unjust sanctions imposed on Iraq. This claim is quickly demolished, however, when the figures indicated above are considered and brought to the attention of world public opinion.

The failure to use the funds derived from exports of oil for the purchase of food, medicine and humanitarian supplies for the Iraqi people prompts that people to raise a major question. One has to wonder to what extent it is necessary to export oil when such funds are being amassed in foreign banks and contracts are piling up in the Secretariat and in the Committee owing to the continued practice of the United States and the United Kingdom of placing holds on new contracts on flimsy grounds and for political purposes and objectives that are completely alien to the spirit of the memorandum of understanding.

Our people is also wondering, and rightly so, how long the funds in question will remain stowed away in these banks, how long the policy of placing contracts on hold will continue (given that the Committee is placing holds on new contracts in addition to the contracts already on hold), and how long the serial suspensions and deferrals of contracts will continue. One has to wonder what use it is and what need there is to pump oil in a situation such as this.

(*Signed*) Tariq **Aziz**
Deputy Prime Minister
Acting Minister for Foreign Affairs

United Nations S/2000/1074

Security Council

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7 November 2000

Original: English

Letter dated 7 November 2000 from the Permanent Representative of Namibia to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to respond to allegations contained in the letter from the Permanent Representative of Rwanda to the United Nations dated 25 October 2000 addressed to the President of the Security Council (S/2000/1045), in which the Government of Rwanda asserts that "a combined force of the Congolese Armed Forces (FAC), the former Rwandese Armed Forces (ex-FAR), Interahamwe, the forces for the Defence of Democracy in Burundi (FDD) and Mai-Mai supported by Zimbabwe and Namibia forces have intensified their military offensive along the Tanganyika sector in Katanga province".

The allegations made by the Government of Rwanda are unjustified and devoid of any truth. The Namibian Defence Force (NDF) did not participate in any of the operations enumerated in the said letter. In fact, NDF is deployed hundreds of kilometres away from the areas mentioned, where no fighting is taking place.

I wish to reiterate that the Government of the Republic of Namibia remains committed to the Lusaka Ceasefire Agreement (S/1999/815, annex) and its early implementation.

I should be grateful if you would circulate the present letter as a document of the Security Council.

(*Signed*) Martin **Andjaba**
Ambassador and Permanent Representative

00-73324 (E) 071100

United Nations A/55/547–S/2000/1075

General Assembly
Security Council

Distr.: General
8 November 2000
English
Original: English/French

General Assembly
Fifty-fifth session
Agenda item 64
Question of Cyprus

Security Council
Fifty-fifth year

Letter dated 8 November 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I wish to bring to your kind attention the unofficial translation of the press release of the Ministry of Foreign Affairs of the Republic of Turkey, dated 6 October 2000, as well as the text of the statement issued by the Permanent Representative of Turkey to the European Union, Ambassador Nihat Akyol, on 4 October 2000 (see annex I).

I also have the honour to transmit herewith a letter dated 6 November 2000, addressed to you by His Excellency Mr. Aytuğ Plümer, Representative of the Turkish Republic of Northern Cyprus (see annex II).

I should be grateful if the text of the present letter and its annexes could be circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Ümit **Pamir**
Ambassador
Permanent Representative

00-73601 (E) 091100 091100

Annex I to the letter dated 8 November 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

A. Unofficial translation of the press statement made by the Ministry of Foreign Affairs of Turkey regarding the report on the unilateral accession negotiations of the Greek Cypriot Administration with the European Union on 6 October 2000

The General Assembly of the European Parliament has adopted on 4 October 2000 the report of rapporteur Jacques Poos regarding the unilateral accession negotiations of the Greek Cypriot Administration with the European Union.

Both the report and the motion for a resolution have demonstrated once again the biased and unrealistic approach to the Cyprus issue of the members of the European Parliament who voted for the resolution.

The Permanent Representative of Turkey to the European Union has reflected our views regarding the resolution in a press statement.

The Government of the Turkish Republic of Northern Cyprus has also made its views known through its statement.

We fully share the viewpoint and the position of the Turkish Republic of Northern Cyprus.

The one-sided resolution accepted in the European Parliament will serve to augment the intransigence of the Greek Cypriot side at a time when the proximity talks are under way, and will create difficulties for the efforts of the Secretary-General of the United Nations.

B. Statement to the press by H.E. Mr. Nihat Akyol, Ambassador, Permanent Representative of Turkey to the European Union, Strasbourg, 4 October 2000

I wish to express my profound concern regarding the report by Mr. Jacques Poos on the application of Cyprus for membership in the European Union and the state of the negotiations, adopted today by the Parliament.

This is a sensitive matter which concerns both peace and Ankara's desire to develop its relations with the Union along the lines drawn at Helsinki.

The principal reasons for my concern are:

(a) The tone of the paragraphs concerning Turkey is aggressive and incompatible with the positive and constructive spirit which should henceforth govern relations between Europe and Turkey and the formulation of an accession partnership (see para. 19 of the Explanatory Statement);

(b) The report represents a departure from the generally cautious approach adopted in the drafting of previous reports on the Cyprus case. Yet the Helsinki Summit did not endorse automatic membership for Cyprus, but confirmed that the final decision would take account of "all relevant factors" in the case, which is — as

the European Commission has continually emphasized — a complex and sensitive one. In addition, I note in this connection the quite negative reactions of the Greek Cypriots to certain positions recently adopted by the Commission and the Council.

Whereas the Presidency of the Union, in a statement, publicly welcomed the continuation of the proximity talks on the Cyprus question and gave its unreserved support to the persevering efforts of the Secretary-General of the United Nations, and despite the latest statement by the Secretary-General made in New York on 12 September 2000, the draft report directly interferes in this negotiation and recommends that the Union should intervene in several ways and in a manner very dangerous for the peace and stability of the region (see paras. 3, 4 and 6 of the resolution and paras. 23 to 26 of the Explanatory Statement).

This position is likely to upset the two Cypriot Parties and to jeopardize the climate of confidence required by such negotiations. The European Parliament will not fail to appreciate the weight of this responsibility, particularly in the light of paragraph 22 of the Explanatory Statement, which specifies that "The aim of this report is not to interfere in the proximity talks".

Without wishing to reopen the debate on the origin of the Cypriot conflict which led to the present situation, it appears that the rapporteur has completely ignored this historical context and that this has led him to recommend that the Turkish Cypriot side should adopt an attitude incompatible with the approach followed by the Secretary-General of the United Nations and "join with the delegation of the legal Government of Cyprus, unconditionally" (para. 3 of the draft resolution). This would be tantamount to destroying the fragile equilibrium of the entire negotiations.

Lastly, the report prejudges the future in a number of areas: not only the conclusion of the accession negotiations between the Union and Cyprus (para. C of the draft resolution) but also the role of the Union under the common European security and defence policy (CESDP) in the eastern Mediterranean region (para. 9 of the draft resolution and para. 25 of the Explanatory Statement), although the CESDP is only just taking shape and attempts are being made to develop it in concertation and in harmony with the allied countries such as Turkey which are both candidates and members of the North Atlantic Treaty Organization. The report ignores these facts and tries to commit the Union to using the CESDP as an instrument of pressure and intervention.

On the subject of the accession partnership currently being formulated for Turkey, I should like to point out that the Helsinki decision had the merit of legally separating the Cyprus case from Turkey's accession process. There is no doubt that my country hopes that a fair and lasting solution to the Cyprus question will be found between the two sides directly concerned in Cyprus.

I regret the fact that, although he is a former Minister for Foreign Affairs aware of what is at stake both in the Cyprus question and in the relations of Turkey with the European Union, the rapporteur reached these conclusions. Of course, he will bear full responsibility for guiding the European Parliament into a position which will not contribute to the solution of the Cyprus question. The resolution adopted today in the European Parliament will not facilitate the search for a fair and lasting peace in Cyprus.

Annex II to the letter dated 8 November 2000 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

With reference to the letter dated 26 October 2000 addressed to you by the Greek Cypriot representative at the United Nations (A/55/524-S/2000/1035), enclosing the text of the recent resolution on Cyprus adopted by the European Parliament, I have the honour to convey herewith the statement made by H.E. Dr. Derviş Eroğlu, Prime Minister of the Turkish Republic of Northern Cyprus, in connection with the above-mentioned resolution (see appendix).

I should be grateful if you would have the present letter and its annex circulated as a document of the General Assembly, under agenda item 64, and of the Security Council.

(*Signed*) Aytuğ **Plümer**
Representative
Turkish Republic of Northern Cyprus

Appendix

Statement by H.E. Dr. Derviş Eroğlu, Prime Minister of the Turkish Republic of Northern Cyprus, Lefkoşa, 5 October 2000

Yesterday (4 October 2000), the General Assembly of the European Parliament adopted a motion for a resolution on the Cyprus issue reflecting the Greek Cypriot viewpoint based on the report prepared by the former Foreign Minister of Luxembourg and current "Cyprus" Rapporteur of the Foreign Affairs Committee of the European Parliament, Mr. Jacques Poos, which entails false charges against the Turkish Republic of Northern Cyprus and Turkey.

The stance taken in the resolution of the European Parliament to the effect that the Greek Cypriot administration can become a full member of the European Union in the absence of a comprehensive settlement, constitute the last link in the European Union's chain of errors which began with the acceptance, in 1990, of the Greek Cypriot administration's unilateral and illegal application for European Union membership and continued with the Luxembourg decision of 1997 to start "accession negotiations" with the Greek Cypriot side. Contrary to the claim made in the report that objection to the Greek Cypriot administration's accession to the European Union on account of the particular circumstances prevailing on the island would be both politically and morally untenable, it is in fact the Greek Cypriot administration's attempt, as the purported "legitimate government", to enter into accession negotiations with the European Union in the name of the whole of Cyprus that contradicts political, legal and moral norms.

The European Parliament's call upon the European Union to assume a more active role in the Cyprus question is in complete ignorance of and detrimental to the process of proximity talks being conducted under the United Nations Secretary-General's mission of good offices. With this stance, the European Parliament has proved that it is far from assuming an impartial and constructive posture in the Cyprus question.

Although it is a fact known to everyone that Turkey's effective guarantee is of vital importance for the existence of the Turkish Republic of Northern Cyprus, in his report Mr. Poos has backed the Greek-Greek Cypriot duo, who have been trying to abrogate the Treaty of Guarantee since the establishment of the 1960 Partnership Republic with the sole aim of annihilating the Turkish Cypriot people and thereby annexing the island to Greece. Furthermore, Poos has gone as far as questioning the military presence of motherland Turkey, which is a Guarantor power, and calling for the deployment of an international force.

While the intransigent posture of the Greek Cypriot side, which has been totally spoiled by the green light given by the European Union for its unilateral membership and while the constructive proposals made hitherto by the Turkish Republic of Northern Cyprus are evident, this latest unfortunate decision accusing the Turkish side of lack of goodwill, shows how one-sided this decision is. The rather recent statement of the leader of the Greek Cypriot administration, Mr. Clerides, at the second round of proximity talks held in Geneva, rejecting the establishment of a "new partnership" on account of their objective of upholding the so-called "Republic of Cyprus" and his latest reaction to the statement of the United Nations Secretary-General, Mr. Kofi Annan, at the fourth round of proximity talks in New York, show the true posture and intentions of the Greek Cypriot side.

It is also unfortunate that this report, which ignores the political and legal realities on the island, comes out at a time when the process of proximity talks is continuing. In this context, our expectation is that the European Union executive organs and the European Union Council of Ministers take a more realistic and responsible stance and prevent this motion from gaining an official status so that the European Union will escape the responsibility for any inconclusiveness of the proximity talks process.

The European Parliament, with its recent decision which is devoid of any balance or impartiality, has, more than anything else, damaged its own functions. We want to believe that this unfortunate decision will not be honoured by the more responsible executive organs of the European Union. We expect this from them. Otherwise, the European Union will go into history as the organization which has contributed to the permanence of the division of the island of Cyprus. We believe that the Governments of the European Union member countries will not accept such a result. We are also expecting all those parties which are undertaking serious efforts in goodwill with a view to furthering the current process of the United Nations-sponsored proximity talks, to remind the European Parliament of its human and political responsibilities in this matter.

United Nations S/2000/1076

Security Council

Distr.: General
9 November 2000

Original: English

Letter dated 8 November 2000 from the Permanent Representative of Zimbabwe to the United Nations addressed to the President of the Security Council

On instructions from my Government, I have the honour to write to the Security Council to dismiss with contempt and disdain Rwandan allegations of repeated violations of the Lusaka Ceasefire Agreement by the Southern African Development Community (SADC) allied forces.

The SADC allied forces have religiously fulfilled their obligations as enshrined in their Lusaka Ceasefire Agreement and other subsequent agreements. Our troops are not deployed anywhere near the theatre of operations mentioned by Rwanda.

The Government of Zimbabwe welcomes the request by Rwanda to the United Nations Security Council and to the United Nations Organization Mission in the Democratic Republic of the Congo (MONUC) to verify the alleged violations without delay. The reality on the ground will vindicate the SADC allied forces.

The pronouncements by the international community on the situation in the Democratic Republic of the Congo, which, above and beyond, include recognition by the International Court of Justice that the presence of Rwandese Patriotic Army personnel on the territory of the Democratic Republic of the Congo constitutes aggression, must not be allowed to be unravelled by these unfounded allegations.

The detractors to the peace process in the Democratic Republic of the Congo are reminded that recently a European Parliament delegation urged the international community to be even-handed in trying to end the conflict in the Democratic Republic of the Congo. According to the parliamentarians it was unacceptable that 25 million Congolese resided under foreign occupation and that "one sometimes demands of Congo what one doesn't demand of Rwanda or Uganda. We want a balanced policy."

International donors have also added their voices and urged Kigali to withdraw its troops from the Democratic Republic of the Congo. A cost benefit analysis by the World Bank, the International Monetary Fund, the African Development Bank and the European Union has shown that Rwanda's support of Congolese rebels is a hindrance to the much needed flow of aid to Rwanda itself.

As if this was not enough, internecine strife within the Rassemblement Congolais pour la Démocratie (RCD), Goma, has left that organization too divided and feeble to be of any military consequence. As a result, Emile Ilunga has been

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removed from leadership and replaced by Adolphe Onusumba. Politically, Onusumba does not have any legitimacy, hence he has to prove himself in military terms. It is against this backdrop that Rwanda's assertion that it reserves the right to defend itself and its allies should be understood.

The Government of Zimbabwe urges the Security Council to see through Rwanda's subterfuge. The so-called right to self-defence is nothing more than an excuse by Rwanda to launch an offensive.

The Government of Zimbabwe and the SADC allied forces remain committed to the Lusaka Ceasefire Agreement, but will not hesitate to defend their positions if attacked.

My Government requests that the present letter be circulated to all members as a document of the Security Council.

(*Signed*) T. J. B. **Jokonya**
Ambassador
Permanent Representative

United Nations A/55/548-S/2000/1077

General Assembly
Security Council

Distr.: General
9 November 2000

Original: English

General Assembly
Fifty-fifth session
Agenda item 46
The situation in Afghanistan and its implications for international peace and security

Security Council
Fifty-fifth year

Identical letters dated 8 November 2000 from the Secretary-General to the Presidents of the General Assembly and the Security Council

I have the honour to transmit the texts of letters dated 30 October 2000 (see annexes I and II) addressed to my Personal Representative for Afghanistan by the two Afghan warring parties, expressing their agreement to a process of dialogue under my good offices aimed at bringing about, in the shortest possible time, an end to the armed conflict in Afghanistan through political means (see annex III).

I should be grateful if you could have the text of the present letter and the annexes circulated as a document of the General Assembly.

(*Signed*) Kofi A. **Annan**

00-73718 (E) 091100

Annex I

I have the honour to request, on behalf of the Islamic Emirate of Afghanistan, that you make public the attached agreement.

(*Signed*) Mulla Amir Khan **Muttaqi**
Minister of Education and Head of the negotiating delegation

Annex II

I have the honour to request, on behalf of the Islamic State of Afghanistan that you make public the attached agreement.

(*Signed*) Abdullah **Abdullah**
Acting Minister for Foreign Affairs,
Head of the negotiating commission of the Islamic State of Afghanistan

Annex III

Agreement

The two sides hereby agree to a process of dialogue under the good offices of the Secretary-General of the United Nations aimed at bringing about, in the shortest possible time, an end to the armed conflict in Afghanistan through political means.

The two sides agree that this process will be conducted either by means of direct meetings between their respective negotiating commissions with the active participation of the Secretary-General or his Personal Representative or indirectly through the intermediary of the Secretary-General or his Personal Representative.

Each side undertakes to be represented in the dialogue by a high-level, duly authorized commission.

The two sides undertake to participate in the dialogue with serious intent and in good faith and not to abandon the process unilaterally but rather to pursue it without interruption until the negotiating agenda, to be agreed by the two sides, is exhausted.

United Nations A/ES-10/43-S/2000/1078

General Assembly
Security Council

Distr.: General
9 November 2000

Original: English

General Assembly
Tenth emergency special session
Agenda item 5
Illegal Israeli actions in Occupied East Jerusalem and the rest of the Occupied Palestinian Territory

Security Council
Fifty-fifth year

Identical letters dated 9 November 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Israel, the occupying Power, has committed yet another crime today against the Palestinian people. Israeli occupying forces committed an act of wilful killing when Israeli military helicopter gunships fired missiles at a vehicle in the village of Beit Sahour in the vicinity of the city of Bethlehem. This resulted in the killing of one person and the injury of at least one other person in the vehicle and the killing of two Palestinian women, in their fifties, who were passing near the vehicle.

The occupying Power indicated that this action was planned and that it was directed against members of Fatah, the mainstream political party in Palestine. Today, the Israeli occupying forces also killed another 14-year-old in the Gaza strip.

In follow-up to my previous letters to you, dated 29 September through 6 November 2000 (A/55/432-S/2000/921; A/55/437-S/2000/930; A/55/450-S/2000/957; A/55/466-S/2000/971; A/55/474-S/2000/984; A/55/490-S/2000/993; A/ES-10/39-S/2000/1015; A/ES-10/40-S/2000/1025; A/ES-10/42-S/2000/1068), I must bring to your attention the fact that, since my last letter to you, Israeli occupying forces have killed 18 more Palestinian civilians, including children, in the Occupied Palestinian Territory, including Jerusalem. This brings the total number of deaths to 171 Palestinians. (The names of those martyred since my last letter are annexed.) The excessive use of force by Israeli occupying forces, including the use of tanks and other heavy weaponry, has also caused the injury of at least 150 more Palestinians, many of whom are in serious condition.

The international community cannot allow this Israeli campaign of killing and terror against the Palestinian people to continue, and it must insist on the full implementation of Security Council resolution 1322 (2000) of 7 October 2000 and resolution ES-10/7 of 20 October 2000 of the tenth emergency special session of the General Assembly. Once again, we reiterate our call to the Council for the urgent establishment of a United Nations protection force to be dispatched to the Occupied

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Palestinian Territory, including Jerusalem, for the purpose of providing much needed protection for the Palestinian civilian population.

I would be grateful if you would arrange to distribute the present letter and its annex as a document of the tenth emergency special session of the General Assembly and of the Security Council.

(*Signed*) Nasser **Al-Kidwa**
Ambassador
Permanent Observer of Palestine to the United Nations

Annex to the identical letters dated 9 November 2000 from the Permanent Observer of Palestine to the United Nations addressed to the Secretary-General and the President of the Security Council

Names of martyrs killed by Israeli security forces in the Occupied Palestinian Territory including Jerusalem

(6 through 8 November 2000)

Monday, 6 November 2000

1. Wajdi Allam Hattab (13 years old)
2. Mohammad Al-Jazar (16 years old)
3. Mohammad Nawaf Al-Ta`ban (14 years old)

Tuesday, 7 November 2000

1. Abdullah Khalid Amarna
2. Ahmad Amin Khofash (7 years old) (died from wounds sustained on 3 November 2000)
3. Said Hamid Abu Khelah
4. Mohammad Abdullah Abdel Razik Diriah (17 years old)

Wednesday, 8 November 2000

1. Fares Faieq Odeh (16 years old)
2. Mohammad Nimr Mahani (died from wounds sustained on 7 November 2000)
3. Ibrahim Al-Qassas (13 years old) (died from wounds sustained on 4 November 2000)
4. Mohammad Mesbah Abu Ghaleb (15 years old)
5. Raed Abdel Megid Dawoud (14 years old)
6. Khalil Abu Se'dah (15 years old)
7. Khalad Fayez Abu Zahreh (17 years old)

Thursday, 9 November 2000

1. Hussein Ebyat
2. Aziza Danun Jubran
3. Rahma Rasheed Shaheen
4. Mohammed Kamel Shurab (14 years old)

United Nations S/2000/1079

Security Council

Distr.: General
9 November 2000
English
Original: Arabic

Letter dated 9 November 2000 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

Please find attached a communiqué issued by the mini-summit of parties to the conflict in the Democratic Republic of the Congo convened on 7 and 8 November 2000 in Tripoli, in the Libyan Arab Jamahiriya, at the invitation of Colonel Muammar Qaddafi, Leader of the Revolution, and attended by Mr. Robert Mugabe, President of Zimbabwe, Mr. Yoweri Museveni, President of Uganda, Mr. Alpha Omar Konari, President of Mali, Mr. Paul Kagame, President of Rwanda, and by representatives of Angola, the Democratic Republic of the Congo, Namibia and South Africa.

The participants agreed on the deployment of a neutral African force in the Democratic Republic of the Congo to guarantee the security of the borders of Rwanda and Uganda and to assess the size and strength of the armed groups in the Democratic Republic of the Congo with the objective of disarming, disbanding and resettling them. They also agreed that Ugandan and Rwandan forces should withdraw from the Democratic Republic of the Congo in accordance with the Lusaka Agreement, followed by the withdrawal of all other foreign forces.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Abuzed Omar **Dorda**
Ambassador
Permanent Representative

00-73837 (E) 091100 091100

Annex to the letter dated 9 November 2000 from the Permanent Representative of the Libyan Arab Jamahiriya to the United Nations addressed to the President of the Security Council

[Original: Arabic]

Communiqué

At the invitation of Brother Muammar Qaddafi addressed to President Robert Mugabe of Zimbabwe, President Yoweri Museveni of Uganda, President Alpha Omar Konari of Mali, President Paul Kagame of Rwanda, and representatives of Angola, the Democratic Republic of the Congo, Namibia, and South Africa, a summit was convened in Tripoli on 7 and 8 November 2000 on the conflict in the Democratic Republic of the Congo. The summit was also attended by former President Ahmed Ben Bella of Algeria and Mr. Kojo Tshikata representing the World Mathaba.

In fulfilment of the Lusaka and Sirte Agreements, the heads of State and Government and representatives of the Governments present agreed as follows:

1. A neutral African force shall be deployed immediately in the Democratic Republic of the Congo.

2. The neutral force shall guarantee the security of the borders of Rwanda and Uganda.

3. The neutral force shall assess the size of the Interahamwe and other armed groups in the Democratic Republic of the Congo with the objective of disarming, disbanding and resettling those groups.

4. In implementation of paragraphs 1 and 2 above, Uganda and Rwanda shall withdraw their forces from the Democratic Republic of the Congo in accordance with the Lusaka Agreement.

5. In accordance with the Lusaka Agreement, all other foreign forces shall be withdrawn from the Democratic Republic of the Congo.

6. The summit requested the Leader of the Libyan Revolution to follow up the implementation of this agreement.

7. The summit expressed its deep appreciation to the leader of the Great September Revolution and the people of the Great Jamahiriya for their traditional hospitality.

Done at Tripoli on 8 November 2000.

United Nations S/2000/1080

Security Council

Distr.: General
9 November 2000
English
Original: Arabic

Letter dated 8 November 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

On instructions from my Government, I have the honour to notify you of continued violations of the ceasefire resolution and the Tehran agreement concerning the area of separation between Iraq and Iran that were committed by the Iranian side between 22 August and 19 October 2000, as shown in the list annexed hereto.

I should be grateful if you would have this letter and its annex circulated as a document of the Security Council.

(*Signed*) Saeed H. **Hasan**
Ambassador
Permanent Representative

00-73855 (E) 131100 131100

Annex to the letter dated 8 November 2000 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General

Iranian violations of the ceasefire and the 1991 Tehran agreement, 22 August-19 October 2000

1. **22 August 2000**

At 0200 hours there was firing from the Iranian side opposite the Ziyadiyah area towards the Shatt al-Arab.

2. **26 August 2000**

At 1625 hours Iranian boats seized the Iraqi tug *Al-Fath al-Mubin* as it was approaching Mina' al-Amiq and took it inside Iranian territorial waters. They demanded the identity documents of the crew members and sent them to the customs inspection point. The crew were subjected to verbal abuse, and a portrait of His Excellency the President and Leader (may God preserve him) was smashed. The tug was returned at 2400 hours.

3. **28 August 2000**

At 0400 hours two Iranian warplanes coming from the Jallat area at low altitude violated our national airspace. They then returned to Iranian territory.

4. **29 August 2000**

Tender 371/Basrah was leaving the port of Faw when it was intercepted by two armed Iranian boats with the name "Ashura'" written on them and carrying eight Iranian army soldiers under the command of a first lieutenant by the name of Hasan. They towed the tender with its two boats, using one of the tugs moored at the inspection point, to the Iranian customs facility in the Shatt al-Arab. The Iranians' treatment of the crew of the tender was very bad indeed. They searched the two boats and the people, who remained waiting near the Iranian customs facility until Saturday, 2 September 2000, and none of whom were put ashore on the Iranian side. They were informed that the tender would be held at the port of Bandar Khomeini, and it was towed there by the foreign-owned tug *Asia*. After a while, they were all released.

5. **2 September 2000**

At 0800 hours the Iranians bombarded our units in the Jallat area with 10 120-mm mortar rounds. Private First Class Abd Allah Fadil Hashim and Private First Class Musa Muhammad Tu'mah were injured.

6. **2 September 2000**

At 1200 hours a pick-up truck carrying 15 armed persons was seen on the Iranian mountain chain opposite the Jallat area.

7. 4 September 2000

At 2200 hours the pontoon *Petra/2*, owned by Karim al-Shamiri and loaded with gas oil, was leaving Faw for the Khawr Abd Allah waterway together with two floating cranes belonging to the State Water Transport Corporation, 63/Basrah and 46/Basrah, when they were intercepted by an Iranian patrol and a military craft carrying three persons armed with machine-guns. The latter fired on the Iraqi vessels and forced them to halt in the Ubays area in the Shatt al-Arab inside Iraqi territorial waters.

8. 5 September 2000

Three Iranian boats (the *Ashura'/1*, the *Ashura'/2* and a third, white boat), each carrying three soldiers and under the command of an officer with the rank of captain, approached the aforesaid pontoon. They boarded it and asked the person in charge, Salah al-Shamiri, for the official papers and for information about the cargo. He told them that the pontoon was not Iraqi. They then took a sample of the gas oil and informed the crew that they would tow the vessels to Bandar Khomeini. After the two boats had withdrawn from the area, an Iranian military cabin cruiser appeared with four armed men and a person who spoke Arabic on board. They fired on the vessels and threatened to take them under tow. The crew succeeded in eluding them, and at 0600 hours on 6 September the vessels returned to Faw.

9. 6 September 2000

The Iranian patrol boats *Ashura'/1* and *Ashura'/2* intercepted the mechanical tender *Al-Ma'mun*, owned by Khalid Muhammad Ahmad al-Umar and carrying 1,100 tons of black oil, when it was some 500 metres north-west of the Khawr al-Amayah waterway and escorted it into Khomeini port.

10. 10 September 2000

At 0230 hours the Iranians fired several rounds towards the Iraqi side. One civilian, Kazim Abd Hasan Ali al-Jabburi, a resident of the Ma'amil area in Faw district, was wounded.

11. 12 September 2000

At 2200 hours there was heavy firing from the Iranian side all along the border strip opposite Faw district. It continued until 0500 hours on the next day. Several rounds fell on the homes of citizens.

12. 16 September 2000

At 2100 hours there was heavy firing from the Iranian side. In the Dawrah area of Faw district one woman, Shafiqah Ghalib Shamhud, was hit by a GC-type round.

13. 17/18 September 2000

At 0200 hours the Iranians opened fire with GC and Dimitrov weapons from an area opposite Ma'amir. Three roof-top water storage tanks belonging to citizens were damaged.

14. 20 September 2000

At 1600 hours the Iranians installed a PKT machine-gun near Iran's outpost opposite the Shihabi outpost at coordinates 3545.

15. 20 September 2000

At 2100 hours the Iranians opened heavy fire all along the border strip in Faw district. This brought movement in the area to a standstill and left residents in a state of alarm.

16. 22 September 2000

At 1830 hours a blue Iranian patrol boat carrying three soldiers and mounting a machine-gun in the bow fired indiscriminately in the direction of the joint maritime control point. It was travelling at speed and heading towards the Iranian customs facility opposite Iraq's Ra's al-Bishah.

17. 24 September 2000

At 1920 hours the Iranians fired 16 122-mm Grad multiple-launcher rockets at the area around coordinates 2476 inside Iraq's national territory.

18. 24 September 2000

At 1020 hours an Iranian helicopter was seen flying over the border strip inside Iranian territory from the Arab outpost at coordinates 867. It then returned to the Iranian rear.

19. 25 September 2000

At 0830 hours an Iranian engineering unit consisting of four persons began work beyond the Iranian burial ground at coordinates 154751 (Khurnubiyah).

20. 26 September 2000

At 1700 hours a reconnaissance craft belonging to Iranian intelligence was seen coming from the Karun River towards the land boundary with Iraq in the Tawilah area. There were 25 persons on board in civilian dress, some of them carrying field glasses for purposes of reconnaissance. It was accompanied by a grey Iranian intelligence patrol boat powered by a 200-horsepower Yamaha motor and with three persons on board. At 1800 hours the two vessels returned to the Karun River.

21. 30 September 2000

At 0800 hours an engineering unit consisting of four persons began work beyond the Iranian burial ground at coordinates 154351 (Khurnubiyah).

22. 30 September 2000

At 1630 hours an Iranian helicopter was seen opposite our units at coordinates 9002 and the Zayd outpost coming from the north and heading south at an altitude of 500 metres. At 1645 hours it withdrew towards the Iranian rear.

23. 30 September 2000

A Land Cruiser vehicle was seen in the area opposite Iraq's Arafat outpost at coordinates 0064. Five persons carrying field glasses alighted from it and proceeded to reconnoitre the area. They remained there for 20 minutes and then withdrew towards the Iranian rear.

24. 1 October 2000

At 0800 hours an Iranian engineering unit consisting of four workmen began work beyond the Iranian burial ground at coordinates 154751 (Khurnubiyah).

25. 2 October 2000

At 0100 hours the Iranians fired several rounds at the Basrah-Faw highway. The rear door of a Land Cruiser vehicle with the registration number 296301 and belonging to Haytham Farid was hit by one round.

26. 3 October 2000

At 0800 hours an Iranian engineering unit consisting of 10 persons began work at coordinates 154751 (Khurnubiyah).

27. 3 October 2000

The Iranians fired a number of rounds towards the Iraqi side, breaking the window in one room of the rest house of His Excellency the President and Leader (may God preserve him) in Faw district.

28. 4 October 2000

At 1830 hours the Iranians pitched a 180-pound tent opposite the old Hasan outpost inside Iranian territory at coordinates 4312 (1:100,000 map of Khanaqin), using four persons for the task. After the tent was up the persons in question left the location. At 1100 hours on 5 October the Iranians removed the tent.

29. 4 October 2000

At 0800 hours an Iranian engineering unit consisting of seven persons began work beyond the Iranian burial ground at coordinates 150790. At the same time another seven persons began work at coordinates 154751 (Khurnubiyah). Work stopped at 1700 hours.

30. 4 October 2000

At 1520 hours an Iranian aircraft was seen flying at low altitude along the international boundary opposite our units at coordinates 1502. The flight path was from north to south. At 1525 hours it returned to the Iranian rear.

31. 4 October 2000

At 1600 hours an Iranian helicopter was seen flying at low altitude along the international boundary opposite our units at coordinates 6036. The flight path was from south to north. At 1610 hours it returned to the Iranian rear.

32. 4 October 2000

At 1100 hours an Iranian helicopter was seen flying at low altitude over the border strip inside Iranian territory in the area opposite the Darraji outpost at coordinates 1269 and heading towards the city of Mehran at coordinates 0965. It then returned to the Iranian rear.

33. 4 October 2000

At 0930 hours Iranian warplanes were seen heading in various directions over the border strip in the Wadi Jallat area.

34. 5 October 2000

At 1130 hours an Iranian patrol boat carrying two persons in civilian clothing was seen near the eastern bank of the Shatt al-Arab. They fired in the air opposite Ma'amir at coordinates 545220. The boat then withdrew towards the eastern shore of the Shatt al-Arab.

35. 5 October 2000

At 0800 hours an Iranian engineering unit consisting of seven persons began work beyond the Iranian burial ground at coordinates 150790. At the same time 10 persons began work at coordinates 154751 (Khurnubiyah). Work stopped at 1700 hours.

36. 5 October 2000

At 0930 hours two Iranian military helicopters were seen flying at high altitude over the city of Mehran at coordinates 865 (1:100,000 map of Zurbatiyah) and along the border strip towards Iran's Zalub outpost at coordinates 1372. They continued their flight for five minutes and then returned to the Iranian rear.

37. 8 October 2000

At 1730 hours an Iranian tug bearing the name *Roma* was observed in the Shatt al-Arab area. There was a civilian on board carrying a video camera, and he proceeded to film the Iraqi shore from the Fada'iyah area at coordinates 5044 as far as the Bahhar area at coordinates 4937.

38. 8 October 2000

At 2000 hours one of the Iranian positions along the shore of the Shatt al-Arab opposite the Wasiliyah area at coordinates 432530 began firing indiscriminately towards the Iraqi side and continued to do so for some 10 minutes.

39. 9 October 2000

At 1700 hours a mortar round from the Iranian side impacted near our units at coordinates 85043 (Wadi Baraw).

40. 10 October 2000

At 1730 hours three Iranian military Land Cruiser vehicles, each carrying an officer and 10 men, together with a motor cycle carrying two persons, all of them

armed with light weapons, were seen halting for 15 minutes at the Iranian position at coordinates 6232 in the Ghazil area. They engaged in observation activities, gesturing towards our units.

41. 11 October 2000

At 1400 hours the Iranians fired five or six rounds from a PKC machine-gun towards our units at coordinates 6624.

42. 13 October 2000

An Iranian engineering unit began work beyond the Iranian burial ground with seven persons at coordinates 150790 and 10 at coordinates 154751 (Khurnubiyah). Work begins at 0800 hours and stops at 1700 hours on a daily basis.

43. 14 October 2000

At 1800 hours five vehicles were seen beyond the Iranian berm opposite the Ziyadiyah area carrying bridging equipment. At 1300 hours on 15 October the equipment began to be unloaded at a river to the east of the Shatt al-Arab at coordinates 438519 (1:100,000 map of Saybah) for the purpose of erecting a bridge across the river.

44. 14, 15 and 16 October 2000

At 0700 hours an Iranian engineering unit began work beyond the Iranian burial ground with four persons at coordinates 150790 and seven at coordinates 154751 (Khurnubiyah). Work stopped at 1700 hours.

45. 16 October 2000

At 1700 hours a person from the Iranian passenger-service yacht was seen coming from the sea towards Muhammarah carrying a video camera. He took video pictures from off the western and eastern shores of the Shatt al-Arab.

46. 16 October 2000

At 0830 hours the sound of a detonation was heard coming from inside Iranian territory in the Muhammarah area opposite Mutawwa'ah at coordinates 2870 (1:100,000 map of Saybah). The sound of intermittent fire by a machine-gun in the area was also heard.

47. 18 October 2000

Between 0700 and 1700 hours an Iranian engineering unit was working beyond the Iranian burial ground with seven persons at coordinates 150790 and 10 persons at coordinates 154751 (Khurnubiyah).

48. 19 October 2000

At 1500 hours three Iranian Land Cruiser vehicles were seen opposite the Arafat outpost at coordinates 105715. Three soldiers armed with light weapons got out and reconnoitred the area in the direction of the Muhammad al-Qasim outpost at coordinates 6575. They then withdrew towards the Iranian rear.